SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION
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TO: Commissioners and Alternates

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SUBJECT: Staff Report and Recommendation on Advisory Committees
(For Commission consideration on July 16, 2009)

Staff Recommendation

To achieve objectives in the Commission's strategic plan, the staff recommends that the Commission approve the steps described below for revising the objectives, functions, and structure of the Citizens Advisory Committee (CAC) and the Science and Technical Advisory Committee (STAC) so these committees can better achieve the following goals: (1) actively advise and assist the Commission on a variety of issues and topics; (2) be sufficiently broad in membership to integrate many interests and sources of information; (3) have a flexible structure to respond to the various needs of the Commission; and (4) allow subcommittees to focus on specific issues such as public access.

The staff further recommends that the Commission provide direction to staff regarding appropriate areas of representation for the membership of the CAC and STAC and direct the staff to return at a later date with specific proposed appointments to the two committees.

Staff Report

Background. The Commission's strategic plan includes the following objective: "By June 30, 2009, the staff will provide the Commission with an analysis of the optimal future roles and functions of the Citizens Advisory Committee and Science and Technical Advisory Committee, with recommendations on the best committee membership to fulfill the identified roles and functions, and a draft implementation plan for a revitalized Citizens Advisory Committee and Science and Technical Advisory Committee." In addition, the Commission's strategic plan also includes an objective that states, "By June 30, 2009, the staff will evaluate the feasibility of a Public Access Citizens Advisory Committee focused on public access issues and report the results to the Commission."

Section 66636 of the McAteer-Petris Act requires the chairman of the Commission, in collaboration with and with the concurrence of the Commission, to appoint a citizens advisory committee "to assist and advise the commission in carrying out its functions." The law provides that this advisory committee is to consist of not more than 20 members and is to include "a representative of a public agency having jurisdiction over harbor facilities, a public agency having

jurisdiction over airport facilities, representatives of conservation and recreation organizations, and at least one biologist, one sociologist, one geologist, one architect, one landscape architect, one representative of an industrial development board or commission, and one owner of privately held lands."

The Commission established its Citizens Advisory Committee in 1965 to assist in the review of the San Francisco Bay Plan as it was being drafted. The CAC has evolved since it was formalized with the passage of the McAteer-Petris Act in 1969. In the 1970s and 1980s, the CAC reviewed and commented on all BCDC planning studies and reports. After a decade-long hiatus, the CAC was revived in the late 1990s with a more focused role of advising on the Commission's strategic planning efforts, supporting BCDC's public outreach and education objectives, and obtaining better support for BCDC from the Governor and Legislature, particularly on budget issues. Over the past ten years, the membership and the focus of the CAC evolved so that the role of the CAC has once again been primarily to review and comment on planning studies and proposed policy revisions. However, in recent years, the CAC has played a less active role in assisting BCDC, due in part to accumulating vacancies on the Committee. The CAC has not met as a body in several years, though individual members have continued to provide comments on planning reports.

In 1986, the Commission established a Scientific and Technical Advisory Committee. Unlike the CAC, establishing the STAC was not required by law, nor were the objectives, structure and composition as formalized as the CAC. Rather, the STAC was composed of various technical and scientific experts, primarily from other agencies, who were available individually on an as-needed basis to provide advice to the staff on various scientific and technical topics. Over time, most of the informal agency support and interactions that were provided by the STAC were replaced by more formal relationships through the use of interagency agreements or other collaborative processes. Currently, the STAC is inactive as a formal committee.

Finally, in addition to, or in lieu of, the formally established CAC and STAC, the Commission staff has increasingly engaged interested parties and experts on an as-needed basis for specific planning projects, permit applications and scientific and technical inquiries. For example, draft staff background reports that form the basis for staff recommendations to the Commission on proposed amendments to the Bay Plan are typically provided for review to experts in the specific subject matter to assure that the factual and scientific basis upon which policy recommendations will be made is correct. In addition, small advisory committees have been temporarily formed on a case-by-case basis to provide focused public input on specific policy, technical or scientific issues or questions.

The CAC, STAC, outside technical review processes and other interested party involvement processes provide the Commission with valuable assistance and advice. Due to the limited resources of the Commission's staff, in addition to the invaluable service provided by the members of the Commission's Design Review Board and Engineering Criteria Review Board, access to advice from technical and scientific experts is extremely beneficial. In addition, advisory committees in various forms can provide critical links to the citizens of the Bay Area region, community advocates and leaders, as well as experts in various professional fields. As the work of the Commission continues to evolve to respond to the current and future challenges facing the Bay Area, it is an opportune time to revitalize and possibly restructure the CAC and STAC.

Citizens Advisory Committee Objectives. As described above, the roles, focus, and structure of the CAC have evolved over time to meet both the interests and capacities of the CAC members and the needs of the Commission. The objective of the Citizen's Advisory Committee is described in the McAteer Act simply as to "assist and advise the commission in carrying out its functions" and the law allows for up to 20 members, only 11 of which have specified qualifications. Such a broad objective and limited requirements provides a great deal of flexibility to continually redefine the structure and process of the CAC in response to the changing needs of the Commission.

Historically, the CAC has provided the Commission with extremely valuable assistance and advice in a variety of ways and in various formats. As the Commission's work evolves in response to changing conditions in the Bay Area, it is critical that it retain a strong connection to the citizens of the region. For example, as the Commission considers the process that should be followed to craft a regional sea level rise adaptation strategy, it will likely turn to institutions that have supported its work in the past for advice, input and expertise. The Commission will likely develop this strategy in an open public process, working in concert with local, regional, state and federal agencies, environmental, business and other interest groups, as well as with considerable technical and scientific input. In this context the CAC can play a critical role, but must also be sufficiently broad and flexible to integrate the many interests and sources of information that will shape the strategy. In addition, the CAC should be structured in such a way as to provide focused public input on specific projects, plans, or policy issues.

The following objectives are, therefore, critical components of a revitalized CAC:

1. Represent a broad range of perspectives on issues that affect the Bay;
2. Provide advice to the Commission on policy direction;
3. Provide advice to the Commission on regulatory issues;
4. Assist the Commission in advancing important regional objectives, such as the Commission's work on climate change;
5. Foster more visible and effective citizen involvement in and demonstration of support for the Commission, and;
6. Strengthen existing and facilitate new connections to the Bay Area community.

Science and Technical Advisory Committee Objectives. The historical role of the STAC has been more singularly focused on providing technical and scientific advice on a range of topics. Over the years, the Commission has adopted policies in the Bay Plan that call for improved scientific and technical information to reduce uncertainties and lead to better informed policy and regulatory decisions. In June of 2007, staff briefed the Commission on a range of strategies the Commission could pursue to better integrate scientific information into its permit and policy decisions. At that meeting, staff outlined a suite of strategies to expand the use of science in the decision making process for the Commission*:*

1. Use existing methods and, where necessary, expand them or develop new processes and mechanisms to better integrate science into permit review and policy development. For example, the STAC could be reinvigorated, by forming subcommittee's with the specific expertise needed to address particular topics.
2. Encourage scientific exploration outside the demands of regulatory decisions or specific policy matters to expand knowledge of estuarine processes, critical Bay resource issues and related topics. This would entail the staff working with technical experts to identify the kinds of studies that would best inform the Commission's management program and then encouraging research institutions to undertake the studies.
3. Expand collaboration with Bay Area research universities, institutions and agencies, such as the San Francisco Bay National Estuarine Research Reserve, the San Francisco Estuary Institute, U.S. Geological Survey and the many excellent Bay Area universities to work on the research priorities identified as part of Strategy No. 2.

The strategies outlined far exceed the staff resources available to carry them out. Therefore, the staff recognized that they will need to be implemented over time and revised to reflect changing conditions, and that the staff should consult with the Commission as it refines the strategies for integrating science into Commission regulatory and policy decisions.

At its June, 2007 briefing, the Commission directed the staff to: (1) make more use of technical advisory committees; (2) encourage more research on topics addressing Bay management issues; (3) work more closely with the California Sea Grant program and seek Commission representation on the Sea Grant Advisory Board; (4) work to establish a NOAA Coastal Services Center for the West Coast; and (5) implement the other strategies as time and funding allow. The Commission also directed staff to continue to improve the integration of social science into regulatory and policy decisions, particularly in regards to environmental justice issues.

Revitalizing the STAC to provide a more comprehensive range of technical expertise and the ability to focus on particular technical issues would be consistent with the Commission's direction and would help advance the integration of science in the Commission's work.

Committee Structure and Process. Given the composition of the CAC and the STAC, it is expected that there will be some overlap in expertise, perspectives, and perhaps even in actual membership. For example, the law requires the CAC to include a biologist, sociologist, geologist, architect and landscape architect, and those members may certainly be called upon to provide focused technical and scientific advice. This type of cross-fertilization is a desirable result of a more flexible and dynamic approach to using both the CAC and STAC, because the Commission's information needs are typically from individual members and topic-specific subcommittees rather than from the entire membership.

Similarly, the evolving practice of the Commission to form temporary advisory committees on a project-by-project basis to address specific policy issues has been extremely useful when grappling with complex policy issues and has helped to ensure the public process on important policy issues is robust and effective. Integrating this type of flexibility into both the CAC and the STAC processes would be an efficient way to increase their utility as well as facilitating a more successful topic-based advisory process. A flexible structure for both committees would provide the adaptability necessary to continue to meet the changing needs of the Commission. However, with the CAC primarily reflective of the need for assistance and advice on policy issues and the STAC primarily reflective of the need for scientific and technical assistance, the detailed structure and process of the two committees will likely be different.

1. **Citizens Advisory Committee**. Although the membership of the CAC reflects a wide variety of community representatives, it is not efficient or strategic to solicit the assistance and advice of every CAC member on every issue. Rather, it makes sense to take advantage of the flexibility provided in the law to create a structure for the CAC that is adaptable to a variety of situations and needs.

   Specifically, the staff may consult with individual CAC committee members on an as-needed basis. For example, staff working on a particular proposed development project may wish to contact a CAC member with specific geographic knowledge to better understand potential issues that the project may raise in a specific area. Similarly, staff may wish to contact a CAC member with a particular expertise, such as disability access, to discuss a specific component of a project. In addition, mechanisms could be set up to adequately notify members of the CAC of both the Commission's planning and regulatory activities, allowing individual CAC members possessing an interest in a specific plan or project to contact staff directly.

   Additionally, the staff should use the members of the CAC to help facilitate connections between the Commission and the broader Bay Area community. The staff may request that individual CAC members participate on outside advisory committees or stakeholder processes to facilitate information flow between the work of BCDC and the work of other agencies or organizations. In addition, the CAC members could aid the staff in defining and populating subcommittees and temporary, topic-based advisory committees that reach beyond the membership of the CAC. Such assistance would be invaluable to the Commission and would increase the success and effectiveness of the Commission's work.

For example, a subcommittee of the CAC focused on public access issues could address current issues that arise in providing or maintaining public access, such as sea level rise, wildlife and human recreation compatibility, the implementation of key gaps in regional trail networks or ensuring access is accessible. Typically, the Commission relies on its Design Review Board (DRB) for technical advice on these issues during the permit application review process. The DRB has almost 40 years of experience providing the Commission with this type of advice. However, at times, the Commission has formed interest-based advisory groups to assist it in preparing policies and plans that address public access or sought expertise on specific public access issues. These efforts were extremely successful in developing better-informed policy proposals, and, ultimately, decisions.

In addition, the CAC could play an integral role in engaging shoreline communities and contributing to the Commission's inquiry into developing solutions for shoreline adaptation and habitat protection as part of its climate change work. For example, under recently acquired grant funding from the U.S. Environmental Protection Agency, BCDC plans to contract with design and engineering consultants to develop, in coordination with other agencies, shoreline adaptation techniques in Marin County. The resulting adaptation techniques, potentially applicable baywide, could be vetted through a subcommittee of the CAC. In addition, BCDC is developing a local government assistance program to support adaptation planning, an undertaking that would clearly benefit from the input of the CAC.

Finally, there may be opportunities for the CAC to assist the Commission as an entire body. For example, during the preparation of a Bay Plan amendment the Commission would benefit from the engagement of the entire CAC at various levels of the process, from brainstorming critical issues, to reviewing background information, to commenting on resulting conclusions and recommendations. In addition, receiving a diverse regional perspective on a local project or plan may also be beneficial, such as on a Special Area Plan amendment. In addition, the full membership of the CAC may wish to regularly meet once or twice a year to agree on overarching goals and objectives and to set internal priorities.

2. **Science and Technical Advisory Committee.** Like the CAC, a flexible structure and process for the STAC allows for the ability to adapt to changing needs of the Commission. There may be opportunities for the STAC to meet as an entire body, such as to discuss specific research needs that would support the Commission's work. However, due to the focused scientific and technical expertise of the STAC membership, the staff would likely most often turn to individual members of the STAC for assistance on specific aspects of Commission projects or plans. For example, permit staff would greatly benefit from a list of scientific and technical experts, such as hydrologists and ecologists, who they could contact when analyzing proposed development projects.

   In addition, the staff could form more focused subcommittees of the STAC that include additional members not on the basic committee roster. In addition, like the CAC, the staff may request that individual STAC members participate on outside advisory committees or in stakeholder processes to facilitate information flow between the work of BCDC and the work of other agencies or organizations.

   The members of the STAC could also facilitate connections between BCDC and technical and scientific experts on specific topics as needed. For example, the STAC could be integrated into grant proposal processes, assisting with the development of the proposal, as well as integrated into the grant project itself and the resulting products, such as by managing an expert technical review process to strengthen the integration of science into BCDC's work. STAC members could facilitate needed linkages between BCDC and the many excellent scientific and technical institutions in the Bay Area and beyond.

The STAC will clearly be invaluable to the Commission's continued work on climate change. For example, under a grant from the U.S. Environmental Protection Agency, the Commission has agreed to establish a technical advisory committee to investigate shoreline adaptation techniques. Such a requirement could be achieved through the STAC. Other upcoming projects with funding that would greatly benefit from the input of the STAC include the development of a regional sediment management plan, and an investigation of the impact of climate change on the head of tide in "certain waterways."

Finally, it would be beneficial to pursue possible funding sources for BCDC's STAC members. Historically, the membership of the STAC has primarily consisted of agency staff who participated on a voluntary basis. In addition, the Commission has previously retained contracts with technical experts to provide assistance on an as-needed basis. Over time, however, budget constraints have limited the Commission's capacity to continue such contracts. Clearly the expansion of STAC membership to include private sector representatives would be beneficial. However, scientists and technical experts from the private sector are limited in their ability to provide their assistance on a voluntary basis. Identifying a means to compensate STAC members would increase the capacity of the STAC. Including the remuneration of STAC members into grant proposals is one possible funding source, and additional sources should also be pursued.

Implementation. As described earlier, not all of the existing CAC members are active participants in the current role of commenting on planning reports, and the STAC members have not been utilized at all for many years. If the Commission agrees with the recommended approach to the revised structure and function of the CAC and the STAC, the first phase of the proposed implementation plan would be to determine the range of expertise and backgrounds that should be represented on the revitalized committees.

As stated above, 11 of the up to 20 members of the CAC are required by law to represent specific interests of the Bay Area community. There are currently 13 members of the CAC, representing eight of the required representations (port, conservation organization, recreation organization, biologist, geologist, architect, industrial development organization, and a private land owner). To best promote the proposed flexible structure in which CAC members both participate individually as well as assist the staff in forming subcommittees that may reach beyond CAC membership, the CAC would benefit from an expanded membership to the full 20 members allowed by law. Additional members could bring a range of relevant expertise, such as resource conservation, land use and transportation, the economy, policy, law, public access and recreation, accessibility, and environmental equity. Members could be drawn from academia, the community, non-profits, agencies and Commission and staff alumni. The Commission would benefit from a robust and diverse CAC, one that represents diversity in terms of geography, subject area expertise, socioeconomics, race/ethnicity, and age. In other words, a CAC that accurately reflects the citizens of the Bay Area.

The STAC could similarly include a range of technical and scientific expertise including representatives from academia, agencies, non-profits, and consulting firms. Examples of specific expertise to participate on the STAC could include climate change science, hydrology, biology, ecology, sediment dynamics, cumulative impacts, and coastal engineering.

The staff requests that the Commission provide direction on specific areas of membership for the CAC and STAC. Once direction is provided on area of membership for both Committees, the staff proposes to return to the Commission at a later date with specific proposed appointments.